

REMARKS

I. Summary of the Office Action

Claims 1 and 10-39 were pending in the above-identified patent application.

Claims 1, 10, 15, 16, 18-25, 29, 30, 33-35, 38, and 39 were rejected under 35 U.S.C. § 102(e) as being anticipated by Knee et al. U.S. Patent No. 5,589,892 ("Knee"). Claim 17 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Knee. Finally, claims 11-13, 26-28, 31, 32, 36, and 37 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Knee in view of West et al. U.S. Patent No. 5,550,575 ("West").*

II. Summary of Telephonic Interview

On August 27, 2007, the undersigned and the undersigned's colleague, Ms. Regina Sam (registration pending), conducted a telephonic interview with the Examiner. Applicants and applicants' representatives would like to thank the Examiner for the courtesies extended during the interview.

During the interview, the Examiner and applicants' representatives discussed the pending rejection of independent claim 1 under 35 U.S.C. § 102. Applicants' representatives argued that Knee failed to teach all features of independent claim 1. In particular, the undersigned argued that Knee did not teach at least entering an overriding criterion to unblock television programs blocked by a blocking criterion. Without addressing the merits of the undersigned's argument, the Examiner requested that applicants present their position in a written reply so that the Examiner may respond after a more careful review of Knee and applicants' specification. The Examiner also requested that applicants amend the pending claims to add more clarity to the claimed invention in order to expedite prosecution. Although applicants believe the pending claims were sufficiently clear and patentable prior to amendment, in order to expedite prosecution, the claims have been amended to comply with the Examiner's request. It is applicants' belief that these amendments do not substantially change the scope of the claimed invention. Detailed arguments in support of applicants' position are presented below.

* Claim 14 is listed as rejected in the Office Summary. However, no discussion of claim 14 appears in the Detailed Action. For the purposes of this Reply, applicants are treating this claim as rejected.

III. Summary of Applicants' Reply

Applicants have amended claims 1, 15-24, 27, 29, 31, 32, and 38, in order to more particularly define the claimed invention. The amendments are fully supported by the specification as filed and do not add new matter.

The claim rejections are respectfully traversed.

IV. The 35 U.S.C. § 102 Rejection

Claims 1, 10, 15, 16, 18-25, 29, 30, 33-35, 38 and 39 were rejected under 35 U.S.C. § 102(e) as being anticipated by Knee. This rejection is respectfully traversed.

A. Independent Claims 1, 29, and 38

Applicants' independent claims 1, 29, and 38 are directed toward methods and an apparatus for exercising access control over a television program using a parental control user interface. As recited in the claims, a password is input for entering into a master mode of the parental control user interface to obtain access to the functions of the parental control user interface. A first or blocking criterion is entered for blocking a television program from being viewed or recorded. A second or unblocking criterion is also entered for unblocking a television program that would otherwise be blocked by the blocking criterion. If a user not in the master mode selects programs for viewing or recording that are blocked by the blocking criterion but not unblocked by the unblocking criterion, the user is prompted to enter the password and, upon entering the password responsive to the prompt, the blocked programs are unblocked so they can be viewed or recorded.

Applicants' claimed approach advantageously provides parental access control mechanisms that may be used to fine-tune the operation of access control devices such as the V-Chip to suit particular user preferences (see, e.g., page 8, lines 17-35 of applicants' specification). As illustrated in FIG. 1, a user may block programs enabled by the V-Chip to prevent these programs from being viewed or recorded. Additionally, the user may unblock one or more programs blocked by the V-Chip so that these programs may be viewed or recorded. Applicants' claimed invention also permits the user to quickly gain access to blocked programs by entering a password in response to a prompt.

Knee describes, among other things, a parental control system that includes a "Key Lock Access" option that allows a user to control access to individual channels and programs or events by requiring the user to enter a user-specified access code "key" before ordering or viewing programs, channels or events selected to be controlled under this option. See Knee, column 22, lines 30-35. Knee also describes an alternative method for restricting access to programs using a "Lockout" screen. Using the Lockout screen, a user may limit or permit access to programs based on other criteria such program title, time of day, day of week, *etc.* See Knee, column 24, lines 25-35.

The Action asserts that Knee anticipates each of applicants' independent claims 1, 29, and 38. Applicants respectfully disagree. Knee does not teach each and every element of claims 1, 29, and 38. In particular, Knee does not describe entering an unblocking criterion to unblock a blocked television program, as specified in claims 1, 29, and 38. Although Knee makes references to providing the user with the option to block or allow selected programs (see, e.g., Knee column 24, lines 25-35), Knee does not describe that a user may enter a criterion for unblocking programs that would otherwise be blocked by a user-specified blocking criterion. In support of the § 102 rejection, the Action asserts that Knee describes this feature in FIGS. 39-40E, in column 23, line 38 to column 24, line 35, and in column 27, lines 21-42 (see Office Action, page 3, lines 12-16). Applicants respectfully disagree. These cited sections and figures in Knee refer to the "Key Lock Access" and "Lockout" options for controlling access to programs describe earlier in this paper. These cited sections and figures, however, do not describe that a user may enter a second or unblocking criterion for permitting unrestricted access to a television program that would otherwise be blocked by a blocking criterion, as specified in applicants' claims 1, 29, and 38.

For at least the foregoing reasons, applicants respectfully submit that Knee does not teach each and every feature of independent claims 1, 29, and 38. Therefore, applicants respectfully request reconsideration and withdrawal of the rejection of these claims under 35 U.S.C. § 102. Each of claims 10-26 and 30 depends from claim 1 or claim 29 and adds further limitations thereto. Applicants therefore request reconsideration and withdrawal of the rejections of claims 10-26 and 30 as well.

B. Independent Claim 33

Applicants' independent claim 33 is directed toward a method of exercising access control over a television. Claim 33 requires entering a criterion for unblocking a blocked television program to allow viewing or recording, and unblocking blocked television programs that meet the entered criterion. As described above in Section IV-A, Knee does not describe this subject matter.

Applicants therefore respectfully request reconsideration and withdrawal of the § 102 rejection of claim 33 for at least the reasons provided above.

C. Independent Claims 34 and 39

Each of independent claims 34 and 39 requires storing a first criterion for blocking television programs from being viewed or recorded, storing a second criterion for unblocking television programs blocked by the first criterion, and unblocking a selected program for viewing or recording if the program meets both the blocking and the unblocking criterion.

As described above in Section IV-A, Knee does not describe entering an unblocking criterion for unblocking programs that would otherwise be blocked by a blocking criterion. Knee also does not describe storing such an unblocking criterion or using such a stored unblocking criterion to provide viewing or recording access to blocked programs.

For at least the foregoing reasons, Knee does not teach each and every element of independent claims 34 and 39. Applicants therefore respectfully request reconsideration and withdrawal of the § 102 rejection of independent claims 34 and 39. Claim 35 depends from claim 34 and adds further limitations thereto. Applicants therefore respectfully request reconsideration and withdrawal of the § 102 rejection of claim 35 for at least the same reasons.

V. The 35 U.S.C. § 103 Rejections

Claims 11-13, 26-28, 31, 32, 36, and 37 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Knee in view of West. Claim 17 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Knee. These rejections are respectfully traversed.

A. Independent Claims 27 and 31

Each of independent claims 27 and 31 requires entering a blocking criterion for blocking a television program from being viewed or recorded, entering an unblocking criterion for unblocking a blocked television program, and providing viewing or recording access to programs that meet the blocking criterion but do not meet the unblocking criterion if a password is entered responsive to a prompt.

As described above in Section VI-A, Knee does not teach this subject matter. West, which is applied for its purported teachings regarding other features in the claims, does not make up for this deficiency in Knee. Applicants therefore respectfully request reconsideration and withdrawal of the § 103 rejection of independent claims 27 and 31. Claims 28 and 32 depend from claims 27 and 31, respectively, and add further limitations thereto. Applicants therefore respectfully request reconsideration and withdrawal of the rejection of these claims as well.

B. Independent Claim 36

Independent claim 36 requires storing a first criterion for blocking television programs from being viewed or recorded, storing a second criterion for unblocking television programs blocked by the first criterion, and unblocking a selected program for viewing or recording if the program meets both the blocking and the unblocking criterion.

As described above in Section V-A, Knee and West, taken individually or in combination, fail to teach entering an unblocking criterion for unblocking programs that would otherwise be blocked by a user-specified blocking criterion. Knee and West also fail to teach storing such an unblocking criterion or using such a stored unblocking criterion to provide viewing or recording access to blocked programs.

Applicants therefore respectfully request reconsideration and withdrawal of the § 103 rejection of independent claim 36. Claim 37 depends from claim 36 and adds further limitations thereto. Applicants therefore respectfully request reconsideration and withdrawal of the rejection of claim 37 as well.

C. Dependent Claim 17

Claim 17, which depends from claim 1, recites selecting a set of television programs to be watched or recorded in a babysitting mode, and permitting only the selected set to be watched in the babysitting mode to the exclusion of all other programs. Applicants' claimed approach of selecting a set of programs that *may* be watched or recorded in babysitting mode provides various advantages over merely selecting which programs may *not* be watched or recorded. In particular, as a practical matter, the former approach eliminates the burden on the parent or guardian to exhaustively identify and restrict all programs that may be unsuitable for viewers accessing programs in babysitting mode, and instead, requires only knowledge of programs that the parent or guardian deems appropriate for viewing in babysitting mode.

In the obviousness rejection of this claim in view Knee, the Action states:

Although Knee fails to explicitly teach selecting a set of TV programs to be watched or recorded in a babysitting mode, it would have been obvious to one of ordinary skill in the art to modify the teaching of Knee to included setting other TV programs for other users in the household, including babysitters.

(Office Action, page 6, lines 8-11). Applicants respectfully disagree. First, as described above in Section V-A, Knee does not teach all features of independent claim 1, from which claim 17 depends. Therefore, the § 103 rejection of claim 17 should be reconsidered and withdrawn for this reason alone.

Furthermore, claim 17 is further patently distinguished over Knee for at least the reason that Knee does not teach a babysitting mode of operation. Knee also does not teach selecting programs for viewing inclusion rather than exclusion. The Examiner acknowledges these deficiencies in Knee, but contends that "it would be obvious" to modify Knee to include these features without providing any objective basis for why these particular features would be obvious. By so doing, the Examiner has effectively taken Official Notice of these features. Accordingly, applicants respectfully traverse the Examiner's Official Notice.

According to the MPEP, the Examiner may only take Official Notice of facts outside of the record which are "capable of such instant and unquestionable demonstration as to defy dispute" (MPEP § 2144.03(A)). In the present instance, even assuming, *arguendo*, that selecting a set of programs which may be viewed in a babysitting mode of operation may now be well known, there is no objective basis to conclude that this concept was well known beyond

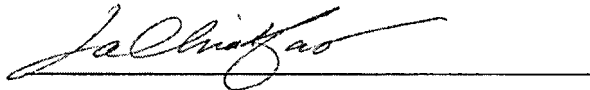
dispute as of applicants' date of invention (applicants' earliest provisional application was filed April 1, 1998). Therefore, applicants traverse the Official Notice because it is at least disputable whether the noticed concept was well-known at the time of applicants' invention. If the Examiner maintains the rejection, applicants respectfully request that the Examiner provide a reference in support of the Official Notice (see MPEP § 2144.03(C)) in the next Office Action.

VI. Conclusion

For at least the reasons discussed above, applicants submit that this application is in condition for allowance. Prompt consideration and allowance are therefore respectfully requested.

We believe that we have appropriately provided for fees due in connection with this submission. However, if there are any other fees due in connection with the filing of this Response, please charge our Deposit Account No. 06-1075, under Order No. 004033-0080 Cont. US from which the undersigned is authorized to draw. A duplicate Amendment Transmittal is enclosed for this purpose.

Respectfully submitted,



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